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4 UNITED STATES DISTRICT COURT
5 EASTERN DISTRICT OF WASHINGTON
6

7 UNITED STATES OF AMERICA,
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9 Plaintiff,
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11 NO. CV-07-3089-EFS
12 v.
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14 1902 PENN AVENUE, SUNNYSIDE,
15 WASHINGTON, TOGETHER WITH ALL
16 APPURTEANCES, FIXTURES,
17 ATTACHMENTS, AND IMPROVEMENTS
18 THERETO AND THEREUPON,
19

20 Defendant.
21

22 ORDER DISMISSING CASE WITH
23 PREJUDICE AND CLOSING FILE

24 This matter comes before the Court on the United States Attorney's
25 Office's (USAO) Motion to Dismiss Civil Forfeiture Complaint, ECF No.
26 119. The USAO asks the Court to dismiss this matter with prejudice and
1 without an award of costs or attorney's fees to either party.¹ Having
2 reviewed the USAO's submission, the record in this matter, and applicable
3 authority, the Court is fully informed and finds good cause to grant the
4 USAO's motion.

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¹ The USAO requests that this action be dismissed pursuant to
6 Federal Rule of Criminal Procedure 41(a)(1)(A)(ii), but that provision
7 only authorizes dismissal without a court order upon the filing of "a
8 stipulation of dismissal signed by all parties who have appeared."
9 Accordingly, the Court construes the USAO's motion as a Rule 41(a)(2)
10 motion for dismissal by court order.

1 There are a number of motions pending in this matter: The USAO's
2 Motion for Summary Judgment, ECF No. 36; Mr. Chiprez's Motion to Assign
3 Interpreter and Return Property, ECF No. 111; and Mr. Chiprez's Motion
4 titled "Restitution," ECF No. 114. Because the Court grants the USAO's
5 motion to dismiss, the USAO's motion for summary judgment is denied as
6 moot. For the same reason, the Court denies Mr. Chiprez's motions as
7 moot. To the extent Mr. Chiprez's motions can be construed as
8 counterclaims, the Court finds them to be without basis and dismisses
9 those counterclaims as well. Finally, to the extent that Mr. Chiprez's
10 motion seeks return of personal property, the Court finds that it lacks
11 *in rem* jurisdiction over these items because they are not defendants in
12 this action.

13 Accordingly,, **IT IS HEREBY ORDERED:**

14 1. The USAO's Motion to Dismiss Civil Forfeiture Complaint, **ECF No.**
15 119, is **GRANTED**.

16 2. This matter is **DISMISSED with prejudice** and without an award of
17 costs or attorney's fees to either party. Nothing in this Order prevents
18 Plaintiff's former counsel Mr. Egan from submitting a CJA voucher for his
19 services.

20 3. **Judgment** shall be **ENTERED** in Defendant's favor.

21 4. This file shall be **CLOSED**.

22 **IT IS SO ORDERED.** The District Court Executive is directed to enter
23 this Order and provide copies to the USAO and Mr. Chiprez.

24 **DATED** this 27th day of March 2012.

25
26 S/ Edward F. Shea

EDWARD F. SHEA

United States District Judge

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